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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,626	06/09/1999	ELISABETH CROCHON	31767	3379

7590 03/26/2004

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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/319,626

Applicant(s)

CROCHON ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 8,9,11,13-16 is/are rejected.
- 7) ☐ Claim(s) 10,12 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on December 29, 2003.

Response to Amendment

The examiner has acknowledged the amended claims 1, 10, and the addition of claims 13-17.

Response to Arguments

Applicant's arguments with respect to claims 8-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al. International Patent Publication WO 93/23767 in view of Stobbe et al. U.S Patent 5751570.

Regarding claim 8, Dingwall et al. teaches a method for the remote identification of articles (labels) provided with distinctive code (page 5 lines 28-29) and situated in a field of an interrogation apparatus (page 2 lines 26-27), by sending and receiving signals between the interrogator and the label (page 6 line 4). The label is inhibited after the successful reading of its code (page 6 lines 16-18). Dingwall also teaches the responds codes are in fragments as shown in

figure 4A-4C. Dingwall is however silent on teaching the inhibition of the labels comprising the steps of prior identification adapted to reading the code of each label while temporarily inhibiting the other labels which are not yet identified. Stobbe et al. in an art related Electronic Identification Tag Interrogation Method invention teaches the inhibition of the labels comprising the steps of prior identification adapted to reading the code of each label while temporarily inhibiting the other labels which are not yet identified (col. 2 line 53-col. 3 line 29).

It would have been obvious to one of ordinary skill in the art for the inhibition of the labels to comprise the steps of prior identification adapted to a context with a single label, label identification step of identifying the label by reading the code of each label while temporarily inhibiting the other labels which are not yet identified in Dingwall et al. as evidenced by Stobbe et al. because Dingwall et al. suggests a label is inhibited after the successful reading of its code and Stobbe et al. teaches identifying the transponders in an electromagnetic field by reading the code of each label while temporarily inhibiting the other labels which are not yet identified.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al. International Patent Publication WO 93/23767 in view of Stobbe et al. U.S Patent 5751570 and further in view of Vercellotti et al. U.S Patent 5266925.

Regarding claim 9, Dingwall et al. teaches a label identification step that precedes the passage of information between the interrogator and tag (page 2 lines 26-27) but is silent on teaching a confirmation step that precedes and influences the information passage step comprising the sending of a signal containing at least part of the code of the label which has just been identified. Stobbe et al. in an art related invention in the same field of endeavor of

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identifying the labels in an interrogating teaches a label identification confirmation step of transmitting an acknowledgment signal to the label (col. 3 lines 10-18) but is not explicit in teaching the acknowledgment signal includes at least part of the code of the label. One skilled in the art recognizes that interrogation signal transmit to the tag is based on the tag identification number as evidenced by Vercellotti et al. (col. 4 lines 19-25). Therefore it is obvious for the acknowledgement signal to the tag includes at least part of the code of the label as a means of distinguishing the label.

It would have been obvious to one of ordinary skill in the art to have a confirmation step that precedes and influences the information passage step comprising the sending of a signal containing at least part of the code of the label which has just been identified as evidenced by Stobbe et al. in view of Vercellotti et al. because Dingwall et al. suggests a label identification step that precedes the passage of information between the interrogator and tag and Stobbe et al. teaches a label identification confirmation step that includes the transmission of a confirmation message and one skilled in the art recognizes that interrogation signal transmit to the tag is based on the tag identification number as evidenced by Vercellotti et al.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al International Patent Publication WO 93/23767.

Regarding claim 11, Dingwall et al. teaches remote identification of label by interrogation apparatus (12, 18, 19) and label (14) comprising transceivers (figure 1), means for

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processing information, distinctive codes stored in memory position in the label (page 6 lines 5-6) and catalog of signals shown in Table 1 (page 15) for demanding the sending of label codes. The interrogator and label both receive and transmit signals therefore they inherently comprise of transceiver. Dingwall further teaches that the code words are stored in binary form and is transmitted to the interrogator (page 10 line 25) which inherently includes the step of converting analog signal to digital and digital to analog. Dingwall et al. also teaches inhibiting the inhibition of the label which has just been identified (page 6 lines 16-18) and the responds codes are in fragments as shown in figure 4A-4C. Dingwall et al. is however silent on teaching a signal catalogue demanding sensing the label code in a from the most significant data comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction. One skilled in the art recognizes that the code words in Dingwall is read from the MSB to LSB or LSB to MSB.

It would have been obvious to one of ordinary skill in the art to have a signal catalogue in Dingwall et al. comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction because Dingwall suggests a signal catalogue comprising signal for reading the code word and one skilled in the art recognizes that the code words in Dingwall is read from the MSB to LSB or LSB to MSB.

Claims 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodd et al. U.S Patent 5339073 in view of Walter et al. U.S Patent 5856788.

Regarding claim 13, Dodd et al. teaches a method for the remote identification of labels provided with a distinctive code and situated in a field of an interrogation apparatus by sending

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and receiving signals between the interrogator and the labels (col. 3 line 56-col. 4 line 9) comprising the following steps:

first identification step comprising an interrogation requiring the labels to send their complete codes (col. 3 lines 1-11) and, if a single label is present in the interrogation field, an identification of the single label (col. 4 lines 5-10);

second identification step if a plurality of said labels are present in the interrogation field comprising successive interrogations requiring the labels to send their codes by respective fragments by sending a response to the interrogating signal corresponding to a particular field (col. 5 lines 7-39). Dodd et al. teaches the interrogations involve a progressive selection of the labels according to the sent fragments (col. 5 lines 15-39). Dodd et al. is however silent on teaching a definitive inhibition step definitively inhibiting the label that has just been identified. Walter et al. in an art related invention for identifying radio frequency tags teaches a definitive inhibition step definitively inhibiting the label that has just been identified (col. 4 lines 35-38) in order to limit interference between tags transmitting at the same time and also teaches the temporary inhibition for each label is waived only when another one of the labels has been identified (col. 4 lines 25-40).

It would have been obvious to one of ordinary skill in the art to have a definitive inhibition step definitively inhibiting the label that has just been identified in Dodd et al. as evidenced by Walter et al. because Dodd et al. suggests identifying the tags present in an interrogating field by isolating the tag base on the bits of their identification number and Walter et al. teaches identifying the tags present in an interrogating field by isolating the tag base on the

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bits of their identification number and further inhibiting the label which has just been identified in order to limit interference between tags transmitting at the same time.

Regarding claim 16, Dodd et al. discarding the labels having code fragment values that do not match a particular value when other ones of the labels, which are selected, have code fragment values that match said particular value by checking each field of the identification code word of the transponder in order to isolate a particular transponder (col. 5 lines 6-27).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dodd et al. U.S. Patent 5339073 in view of Walter et al. U.S. Patent 5856788 and further in view of Marsh et al. U.S. Patent 5966083.

Regarding claim 14, Dodd et al. in view of Walter et al. teaches the microprocessor determines when a reply is to be made (col. 4 lines 1-2) but is not explicit in teaching the temporary inhibition consists of switching off a logical means present on each of the labels. Marsh et al. in an art related Electronic Identification System teaches temporary inhibition consists in switching off a logical means present on each of the labels (col. 4 lines 34-39).

It would have been obvious to one of ordinary skill in the art for the temporary inhibition consists of switching off a logical means present on each of the labels in Dodd et al. in view of Walter et al. as evidenced by Marsh et al. because Dodd et al. suggests the microprocessor (logical means) determines when a reply is to be made and Marsh et al. teaches temporary inhibition consists in switching off a logical means present on each of the labels.

Allowable Subject Matter

Claims 10, 12 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 10, 12 and 17, the prior art of record fail to teach or suggests the signal catalogue comprising a second signal for demanding sensing the label code in a second direction and the label identification step is taken in one code reading direction from most significant data to least significant data then another least significant data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

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Vernal Brown

March 18, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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